

DISTRICT OF COLUMBIA
DOH Office of Adjudication and Hearings
825 North Capitol Street N.E., Suite 5100
Washington D.C. 20002

DISTRICT OF COLUMBIA
DEPARTMENT OF HEALTH
Petitioner,

v.

K-LINE EXPRESS, INC.
Respondent

Case No.: I-00-11197

FINAL ORDER

I. Introduction

On April 13, 2001, the Government served a Notice of Infraction (No. 00-11197) upon Respondent K-Line Express, Inc. alleging a violation of 20 DCMR 900.1, which prohibits, with certain exceptions, motor vehicles from idling their engines for more than three minutes while parked, stopped or standing. The Notice of Infraction alleged that the violation occurred between 11:43 and 11:47 AM on April 3, 2001 in the 1200 block of 5th Street N.E., and sought a fine of \$500.00.

On May 3, 2001, Respondent, through counsel, filed a timely plea of Admit with Explanation, together with a request for suspension or reduction of the fine. On May 10, 2001, I issued an order permitting the Government to respond to that plea and request within ten days. That deadline has passed without a response from the Government.

II. Summary of the Evidence

Respondent admits that its truck was in the location specified in the Notice of Infraction to make a delivery, and admits that the driver left the engine running. Respondent claims, however, that the driver was unaware of the three-minute limit and would have turned the engine off had he been aware. As noted, the Government does not dispute those claims.

III. Findings of Fact

1. By its plea of Admit with Explanation, Respondent has admitted violating 20 DCMR 900.1 on April 3, 2001.
2. A truck owned by Respondent idled its engine in excess of three minutes in the 1200 block of 5th Street, N.E. on April 3, 2001.
3. Respondent has accepted responsibility for the violation
4. There is no evidence of a history of prior violations by Respondent.
5. Respondent's violation was unintentional.

IV. Conclusions of Law

1. Respondent violated 21 DCMR 900.1 on April 3, 2001.
2. A fine of \$500.00 is authorized for violations of §900.1. *See* 16 DCMR 3224.3(aaa), as added by the Motor Vehicle Excessive Idling Fine Increase Amendment Act of 1999, D.C. Law 13-35 (Effective October 7, 1999); 46 D.C. Reg. 8699 (October 29, 1999); 46 D.C. Reg. 6017 (July 23, 1999).

3. Respondent's acceptance of responsibility, its lack of a prior history of violations, and the unintentional nature of the violation all support a reduction, but not a suspension, of the fine. Accordingly, the fine shall be reduced to \$250.00.

V. Order

Based upon the foregoing findings of fact and conclusions of law, it is, this _____ day of _____, 2001:

ORDERED, that Respondent shall pay a total of **TWO HUNDRED FIFTY DOLLARS (\$250.00)** in accordance with the attached instructions within twenty (20) calendar days of the date of mailing of this Order (fifteen (15) calendar days plus five (5) days for service by mail pursuant to D.C. Code § 6-2715); and it is further

ORDERED, that, if Respondent fails to pay the above amount in full within twenty (20) calendar days of the date of mailing of this Order, by law, interest must accrue on the unpaid amount at the rate of 1 ½% per month or portion thereof, beginning with the date of this Order. D.C. Code § 6-2713(i)(1), as amended by the Abatement and Condemnation of Nuisance Properties Omnibus Amendment Act of 2000, D.C. Law 13-281, effective April 27, 2001; and it is further

ORDERED, that failure to comply with the attached payment instructions and to remit a payment within the time specified will authorize the imposition of additional sanctions, including

the suspension of Respondent's licenses or permits pursuant to D.C. Code § 6-2713(f), the placement of a lien on real and personal property owned by Respondent pursuant to D.C. Code § 6-2713(i), and the sealing of Respondent's business premises or work sites pursuant to D.C. Code § 6-2703(b)(6).

/s/ 6/8/01

John P. Dean
Administrative Judge